

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PATRICIA BONELLI,
Plaintiff,

v.

U.S. BANK NATIONAL ASSOCIATION,
et al.,
Defendants.

Case No. [14-cv-02352-MEJ](#)

SECOND ORDER TO SHOW CAUSE

On November 14, 2014, the Court ordered Plaintiff Patricia Bonelli to show cause why this case should not be dismissed for failure to serve within the time required by Federal Rule of Civil Procedure 4(m). Dkt. No. 13. Having received Plaintiff's response and First Amended Complaint, the Court discharged the Order to Show Cause and ordered her to complete service by January 13, 2015. Dkt. No. 16. To date, there is no indication that Plaintiff has completed service.

"If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Fed. R. Civ. P. 4(m). Plaintiff filed this case on May 21, 2014, well over the 120-day deadline for service. Despite a previous extension of time, Plaintiff has still failed to file proof of service of the summons and complaint. Accordingly, pursuant to Rule 4(m), the Court ORDERS Plaintiff to show cause, in writing and no later than February 3, 2015, why this case should not be dismissed for failure to serve within the time required by Rule 4(m). Notice is hereby provided to Plaintiff that the Court shall dismiss the case if no responsive declaration is filed. Thus, it is imperative that the Court receive a written response by the deadline above.

IT IS SO ORDERED.

Dated: January 20, 2015



MARIA-ELENA JAMES
United States Magistrate Judge